



Order Filed on January 24, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

JOSEPH D. PETROLINO, JR., ESQ., JDP-6351
MARIE-ANN GREENBERG, STANDING TRUSTEE
30 Two Bridges Road, Suite 330
Fairfield, NJ 07004
(973) 227-2840
Attorney for the Standing Trustee

In Re:

EVARISTO BURDIEZ,

Debtors

Chapter 13

Case No.: 20-23664

Judge: Vincent F. Papalia

**CONSENT ORDER PROVIDING FOR
THE DISTRIBUTION OF SALE PROCEEDS &
APPROVAL OF PRIOR DISBURSEMENTS NUNC PRO TUNC**

The relief set forth on the following pages, numbered (2) - (4), is hereby **ORDERED**.

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DATED: January 24, 2022

A handwritten signature in black ink, appearing to read "Vincent F. Papalia", written over a horizontal line.

**Honorable Vincent F. Papalia
United States Bankruptcy Judge**

Debtor: Evaristo Burdiez

Case No. 20-23664

Caption of Order: Consent Order Providing for the Distribution of Sale Proceeds & Approval of Prior Disbursements Nunc Pro Tunc

THIS MATTER having been opened to the Court upon Motion filed by Cecilia Otero to Release Funds, Set Aside Funds, and Permit Fees Nunc Pro Tunc; and all interested parties having consented to the form and substance of the Order herein; and for good and sufficient cause shown, it is hereby:

ORDERED that the amount of \$8,903.19 shall be paid from the proceeds of sale of 365 River Road, Bogota NJ to Rosado Plumbing. This amount shall be shared equally between the co-sellers and shall come off the top before division of the sale proceeds between co-sellers Cecilia Otero and Evaristo Burdiez; and it is further

ORDERED that the amount of \$1,036.00 shall be paid from the proceeds of sale of 365 River Road, Bogota NJ to Trico Electric. This amount shall be shared equally between the co-sellers and shall come off the top before division of the sale proceeds between co-sellers Cecilia Otero and Evaristo Burdiez; and it is further

ORDERED that the amount of \$12,828.10 shall be paid from the proceeds of sale of 365 River Road, Bogota NJ to Industrial Automation Control. This amount shall be solely deducted from Evaristo Burdiez's portion of the sale proceeds that would otherwise have been earmarked for the Bankruptcy Estate; and it is further

ORDERED that the amount of \$3,500.00 shall be paid from the proceeds of sale of 365 River Road, Bogota NJ to Industrial Automation Control. This amount shall be solely deducted from Cecilia Otero's portion of the sale proceeds; and it is further

Debtor: Evaristo Burdiez

Case No. 20-23664

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ORDERED that the remaining balance of the Industrial Automation Control invoice shall be the sole responsibility of purchasers, Gloria Liliana Salazar Arbalaez and Jose Fenibal Duque or debtor, Evaristo Burdiez, if he wishes to pay same from EXEMPT sale proceeds or other EXEMPT assets; and it is further

ORDERED that the funds released to the firm of Patel Soltis Cardenas & Boat in the amount of \$45,960.00 for attorney fees from Cecilia Otero's portion of the proceeds of sale of the Property are deemed permitted Nunc Pro Tunc; and it is further

ORDERED that the funds released to debtor, Evaristo Burdiez, from his portion of the sale proceeds on account of his homestead exemption in the amount of \$25,150.00 are deemed permitted Nunc Pro Tunc; and it is further

ORDERED that the funds released from debtor's portion of the sale proceeds to pay debtor's Judgment in the amount \$788.26 are deemed permitted Nunc Pro Tunc; and it is further

ORDERED that the purchasers, Gloria Liliana Salazar Arbalaez and Jose Fenibal Duque, shall assume full responsibility and liability for obtaining a Certificate of Occupancy for 365 River Road, Bogota NJ and for any claims, penalties, fines or other issues arising from same; and it is further

ORDERED that the parties herein hereby waive and forever release any claim or right to assert any cause of action or alleged cause of action or claim or demand against each other as it pertains to this Bankruptcy Case or the Sale of 365 River Road, Bogota, NJ. This release does not affect the Trustee's right to file an Objection to Confirmation or take any other appropriate action as to issues not related to the sale of 365 River Road, Bogota, NJ; and it is further

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ORDERED that Cecilia Otero is entitled to \$138,138.14 as her portion of the proceeds from sale of the Property and that these funds are to be released to the Patel Soltis Attorney Trust Account; and it is further

ORDERED that debtor, Evaristo Burdiez, is entitled to \$148,831.81 as his portion of the proceeds from sale of the Property and that these funds are to be released to Marie-Ann Greenberg, Chapter 13 Standing Trustee for payment in debtor's Chapter 13 Plan. These funds are non-exempt assets of the Bankruptcy Estate.

The undersigned hereby consent to the form,
Content and entry of the within Order.

/s/Joseph D. Petrolino, Jr.

Joseph D. Petrolino, Jr., Esq.
Attorney for Marie-Ann Greenberg, Chapter 13 Standing Trustee

/s/Roger Chavez

Roger Chavez, Esq.
Law Offices of Roger Chavez, Esq.
Attorney for Debtor, Evaristo Burdiez

/s/John Voorhees

John Voorhees, Esq.
Law Offices of Patel, Soltis & Cardenas, LLC.
Attorneys for Cecilia Otero

/s/Franklin G. Soto

Franklin G. Soto, Esq.
Law Offices of Bastarrika, Soto, LLP.
Attorneys for Gloria Liliana Salazar Arbalaez and Jose Fenibal Duque